

Laurent, David

From: Disher, Todd
Sent: Monday, September 23, 2019 2:05 PM
To: Nina Perales
Cc: Ernest Herrera
Subject: RE: Confer on discovery

Thank you, Nina. I will review your requests with counsel for Arkansas and Alabama.

Todd

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From: Nina Perales <nperales@MALDEF.org>
Sent: Monday, September 23, 2019 1:09 PM
To: Disher, Todd <Todd.Disher@oag.texas.gov>
Cc: Ernest Herrera <eherrera@MALDEF.org>
Subject: Confer on discovery

Good afternoon Todd,

I write to confer on documents that we requested but did not receive in connection with the Alabama and Arkansas depositions.

In our subpoenas duces tecum for Ms. Felton, we requested

12. Documents showing the types of data maintained by the Alabama Medicaid Agency evidencing immigration and citizenship status of Medicaid applicants or beneficiaries.
13. Documents showing the types of data maintained by the Alabama Medicaid Agency evidencing receipt of DACA by Medicaid applicants or beneficiaries.
14. All documents containing “figures [] reported to me by the Data Analytics unit” related to “services for recipients with a DACA designation embedded in the response received from the Hub.” Second Declaration of Gretel Felton, attached as Exhibit B, at parag. 4.
15. Documents showing all the circumstances under which the Centralized Alabama Recipient Eligibility System (CARES) “captures and stores citizenship and immigration status, including DACA[.]” Declaration of Gretel Felton, attached as Exhibit B, at parag. 3.
16. Documents showing the manner in which CARES “captures and stores citizenship and immigration status, including DACA[.]” Declaration of Gretel Felton, attached as

Exhibit B, at parag. 3.

17. Documents showing the manner in which CARES “captures and stores citizenship and immigration status, including DACA” information from the Federal Data Services Hub (the Hub). Declaration of Gretel Felton, attached as Exhibit B, at parag. 3.

Similarly, in our subpoenas duces tecum for Ms. Franklin, we requested:

11. Documents showing the types of data maintained by the Arkansas Department of Human Services evidencing immigration and citizenship status of Medicaid applicants or beneficiaries.

12. Documents showing the types of data maintained by the Arkansas Department of Human Services evidencing immigration and citizenship status of CHIP applicants or beneficiaries.

13. Documents showing the types of data maintained by the Arkansas Department of Human Services evidencing receipt of DACA by Medicaid applicants or beneficiaries.

14. Documents showing the types of data maintained by the Arkansas Department of Human Services evidencing receipt of DACA by CHIP applicants or recipients.

15. Documents showing the manner in which the Arkansas Department of Human Services spends or reimburses “[c]laims [...] at the appropriate federal/state match rate based on the type of coverage approved.” Declaration of Mary Franklin, attached as Exhibit B, at parag. 2.

16. Documents showing the manner in which the Arkansas Department of Human Services “identified claims made by individuals identified by the federal government as being DACA recipients through the verification of lawful presence (VLP) functionality of the [F]ederal [D]ata [S]ervices [H]ub from January 1, 2018 to the present.” Declaration of Mary Franklin, attached as Exhibit B, at parag. 4.

Although we were happy to receive some documents in response to the subpoenas at the depositions of Ms. Felton and Ms. Franklin, we did not receive any of the above requested documents which leaves us unable to determine whether the specific costs claimed by Alabama and Arkansas are in fact attributable to DACA recipients.

Please advise whether Plaintiffs are able to provide this information and if so, when you might be able to do so. Please also provide your position on a motion to compel if we find it necessary to file one to preserve our ability to secure these documents.

Thank you very much,

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